APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/697,777	10/26/2000	Wilf LeBlanc	39542/CAG/B600	5315

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EXAMINER
CANGIALOSI, SALVATORE A

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 09/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 June 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-25</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-25</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4,7</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

Art Unit: 3621

1.   The following is a quotation of 35 U.S.C. § 103 which forms

the basis for all obviousness rejections set forth in this Office

action:

> A patent may not be obtained though the invention is not
> identically disclosed or described as set forth in section
> 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that
> the subject matter as a whole would have been obvious at the
> time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which
> the invention was made.
>
> Subject matter developed by another person, which qualifies
> as prior art only under subsection (f) or (g) of section 102
> of this title, shall not preclude patentability under this
> section where the subject matter and the claimed invention
> were, at the time the invention was made, owned by the same
> person or subject to an obligation of assignment to the same
> person.

2.   Claims 1-25 are rejected under 35 U.S.C. § 103 as being

unpatentable over Romesburg et al in view of Wu.

          Regarding claim 1, Romesburg et al (Figs 2A-5)

disclose method for modeling near end and far end noise and

replicating a signal locally by modifying of a second signal

substantially as claimed. The differences between the above and

the claimed invention is the use of specific parameter

estimation.   It is noted that, in as much as the modeling is a

form of estimation, it is believed that modeling based on a

plurality of input parameters would be readable estimating

parameters.   Wu (See Fig) show a the estimation of a plurality

of near end and far end parameters.   It would have been obvious

to the person having ordinary skill in this art to provide a

similar arrangement for Romesburg et al because modeling is the

conventional functional equivalent of estimating. Regarding the

noise limitations of claim 2, the use of noise in Wu is a

functional equivalent of white noise. Regarding spectral

limitations of claim 3, the spectral shaping(element 260) of

Romesburg et al is believed to be the functional equivalent of

spectral characteristics. Regarding energy estimating

limitations of claim 4, the use of energy estimators(136,138) in

Wu is a functional equivalent of the claims limitations.

Regarding the noise limitations of claim 5, the use of noise in

Wu is a functional equivalent of white noise. Regarding filter

coefficient limitations of claim 6, the spectral modeling(Col. 4,

lines55-67, Col. 5, lines 1-5) of Romesburg et al is believed to

be the functional equivalent of the claimed limitations.

Regarding filter coefficient limitations of claim 7, the spectral

modeling(Col. 4, lines55-67, Col. 5, lines 1-5) of Romesburg et

al is believed to be the functional equivalent of the claimed

limitations. Regarding filter coefficient limitations of claim 8,

the spectral modeling(Col. 4, lines55-67, Col. 5, lines 1-5) of

Romesburg et al is believed to be the functional equivalent of

the claimed limitations. Regarding criteria limitations of claim

9, the use of noise floors in Wu is a functional equivalent of

the claimed limitations. Regarding energy estimating limitations

of claim 10, the use of energy estimators(136,138) in Wu and the

spectral shaping(element 260) of Romesburg et al are functional

equivalents of the claims limitations. Regarding threshold

limitations of claim 11, the use of noise floors in Wu is a

functional equivalent of the claimed limitations. Regarding

claim 12, Romesburg et al (Figs 2A-5) disclose method for

modeling near end and far end noise and replicating a signal

locally by modifying of a second signal substantially as claimed.

The differences between the above and the claimed invention is

the use of specific parameter estimation.   It is noted that, in

as much as the modeling is a form of estimation, it is believed

that modeling based on a plurality of input parameters would be

readable estimating parameters. Wu (See Fig) show a the

estimation of a plurality of near end and far end parameters. It

would have been obvious to the person having ordinary skill in

this art to provide a similar arrangement for Romesburg et al

because modeling is the conventional functional equivalent of

estimating. Regarding the noise limitations of claim 13, the use

of noise in Wu is a functional equivalent of white noise.

Regarding energy estimating limitations of claim 14, the use of

energy estimators(136,138) in Wu and the spectral shaping(element

260) of Romesburg et al are functional equivalents of the claims

limitations. Regarding energy estimating limitations of claim

15, the use of energy estimators(136,138) in Wu and the spectral

shaping(element 260) of Romesburg et al are functional

equivalents of the claims limitations. Regarding filter

coefficient limitations of claim 16, the spectral modeling(Col.

4, lines55-67, Col. 5, lines 1-5) of Romesburg et al is believed to be the functional equivalent of the claimed limitations. Regarding filter coefficient limitations of claim 17, the spectral modeling(Col. 4, lines55-67, Col. 5, lines 1-5) of Romesburg et al is believed to be the functional equivalent of the claimed limitations. Regarding filter coefficient limitations of claim 18, the spectral modeling(Col. 4, lines55-67, Col. 5, lines 1-5) of Romesburg et al is believed to be the functional equivalent of the claimed limitations. Regarding criteria limitations of claim 19, the use of noise floors in Wu is a functional equivalent of the claimed limitations. Regarding energy estimating limitations of claim 20, the use of energy estimators(136,138) in Wu and the spectral shaping(element 260) of Romesburg et al are functional equivalents of the claims limitations. Regarding threshold limitations of claim 21, the use of noise floors in Wu is a functional equivalent of the claimed limitations. Regarding claim 22, Romesburg et al (Figs 2A-5) disclose method for modeling near end and far end noise and replicating a signal locally by modifying of a second signal substantially as claimed. The differences between the above and the claimed invention is the use of specific parameter estimation. It is noted that, in as much as the modeling is a form of estimation, it is believed that modeling based on a plurality of input parameters would be readable estimating parameters. Wu (See Fig) show a the estimation of a plurality

of near end and far end parameters. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Romesburg et al because modeling is the conventional functional equivalent of estimating. Regarding the noise limitations of claim 23, the use of noise in Wu is a functional equivalent of white noise. Regarding energy estimating limitations of claim 24, the use of energy estimators(136,138) in Wu and the spectral shaping(element 260) of Romesburg et al are functional equivalents of the claims limitations. Regarding filter limitations of claim 25, the spectral modeling(Col. 4, lines55-67, Col. 5, lines 1-5) of Romesburg et al is believed to be the functional equivalent of the claimed limitations.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to (703)872-9306

Hand delivered responses should be brought to Crystal Park

V, 2451 Crystal Drive, Arlington, Virginia, Seventh

Floor(Receptionist).

Any inquiry of a general nature or relating to the status of

this application or proceeding should be directed to the

Technology Center 3600 Customer Service Office whose telephone

number is (703) **308-4177**.

SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222